

# HOUSE BILL 899

E4, K4

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By: **Delegates Clagett, Anderson, DeBoy, Dumais, Frush, Gaines, Glenn, Guzzone, Haynes, Hixson, Hubbard, James, Jones, K. Kelly, McIntosh, Nathan-Pulliam, Proctor, B. Robinson, Ross, Sophocleus, Valderrama, Vaughn, Walker, and Zucker**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary and Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Division of Parole and Probation – Warrant Apprehension Unit – Powers ~~and~~**  
3 **~~Pension System~~**

4 FOR the purpose of establishing the Warrant Apprehension Unit within the Division  
5 of Parole and Probation; providing that certain employees of the Warrant  
6 Apprehension Unit also have certain additional powers; including certain  
7 employees of the Warrant Apprehension Unit in the defined term “police officer”  
8 in connection with provisions of law relating to the authority to make arrests;  
9 including certain employees of the Warrant Apprehension Unit in the defined  
10 term “law enforcement officer” in connection with provisions of law relating to  
11 the Maryland Police Training Commission and the Law Enforcement Officers’  
12 Bill of Rights; ~~providing for the membership of certain employees of the~~  
13 ~~Warrant Apprehension Unit in the Law Enforcement Officers’ Pension System;~~  
14 ~~requiring the Board of Trustees for the State Retirement and Pension System to~~  
15 ~~transfer certain funds to the Law Enforcement Officers’ Pension System~~  
16 ~~Accumulation Fund; requiring certain members of the Warrant Apprehension~~  
17 ~~Unit to deposit certain amounts in the annuity savings fund of the Law~~  
18 ~~Enforcement Officers’ Pension System; and generally relating to the powers ~~and~~~~  
19 ~~pension system~~ of certain employees of the Warrant Apprehension Unit of the  
20 Division of Parole and Probation.

21 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Correctional Services  
 2 Section 6–106  
 3 Annotated Code of Maryland  
 4 (2008 Replacement Volume and 2010 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – Criminal Procedure  
 7 Section 2–101  
 8 Annotated Code of Maryland  
 9 (2008 Replacement Volume and 2010 Supplement)

10 BY repealing and reenacting, with amendments,  
 11 Article – Public Safety  
 12 Section 3–101 and 3–201  
 13 Annotated Code of Maryland  
 14 (2003 Volume and 2010 Supplement)

15 ~~BY repealing and reenacting, with amendments,~~  
 16 ~~Article – State Personnel and Pensions~~  
 17 ~~Section 26–201, 26–202, and 26–203.1~~  
 18 ~~Annotated Code of Maryland~~  
 19 ~~(2009 Replacement Volume and 2010 Supplement)~~

20 ~~BY adding to~~  
 21 ~~Article – State Personnel and Pensions~~  
 22 ~~Section 26–203.4~~  
 23 ~~Annotated Code of Maryland~~  
 24 ~~(2009 Replacement Volume and 2010 Supplement)~~

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article – Correctional Services**

28 6–106.

29 (a) **THERE IS A WARRANT APPREHENSION UNIT IN THE DIVISION OF**  
 30 **PAROLE AND PROBATION.**

31 (b) The Director may authorize parole and probation employees of the  
 32 [Division] **WARRANT APPREHENSION UNIT** to:

33 (1) execute warrants for the retaking of offenders;

34 (2) execute warrants for the arrest of probationers for whom a warrant  
 35 is issued for an alleged violation of probation;



1 (7) a member of the University of Maryland Police Force or Morgan  
2 State University Police Force;

3 (8) a special police officer who is appointed to enforce the law and  
4 maintain order on or protect property of the State or any of its units;

5 (9) a member of the Department of General Services security force;

6 (10) the sheriff of a county whose usual duties include the making of  
7 arrests;

8 (11) a regularly employed deputy sheriff of a county who is  
9 compensated by the county and whose usual duties include the making of arrests;

10 (12) a member of the Natural Resources Police Force of the Department  
11 of Natural Resources;

12 (13) an authorized employee of the Field Enforcement Bureau of the  
13 Comptroller's Office;

14 (14) a member of the Maryland–National Capital Park and Planning  
15 Commission Park Police;

16 (15) a member of the Housing Authority of Baltimore City Police Force;

17 (16) a member of the Crofton Police Department;

18 (17) a member of the WMATA Metro Transit Police, subject to the  
19 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area  
20 Transit Authority Compact, which is codified at § 10–204 of the Transportation  
21 Article;

22 (18) a member of the Internal Investigative Unit of the Department;

23 (19) a member of the State Forest and Park Service Police Force of the  
24 Department of Natural Resources;

25 (20) a member of the Department of Labor, Licensing, and Regulation  
26 Police Force;

27 (21) a member of the Washington Suburban Sanitary Commission  
28 Police Force;

29 (22) a member of the Ocean Pines Police Department;

30 (23) a member of the police force of the Baltimore City Community  
31 College; [or]

1 (24) a member of the police force of the Hagerstown Community  
2 College; OR

3 (25) AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF  
4 THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT.

5 Article – Public Safety

6 3–101.

7 (a) In this subtitle the following words have the meanings indicated.

8 (b) (1) “Chief” means the head of a law enforcement agency.

9 (2) “Chief” includes the officer designated by the head of a law  
10 enforcement agency.

11 (c) (1) “Hearing” means a proceeding during an investigation conducted  
12 by a hearing board to take testimony or receive other evidence.

13 (2) “Hearing” does not include an interrogation at which no testimony  
14 is taken under oath.

15 (d) “Hearing board” means a board that is authorized by the chief to hold a  
16 hearing on a complaint against a law enforcement officer.

17 (e) (1) “Law enforcement officer” means an individual who:

18 (i) in an official capacity is authorized by law to make arrests;  
19 and

20 (ii) is a member of one of the following law enforcement  
21 agencies:

22 1. the Department of State Police;

23 2. the Police Department of Baltimore City;

24 3. the Baltimore City School Police Force;

25 4. the Baltimore City Watershed Police Force;

26 5. the police department, bureau, or force of a county;

27 6. the police department, bureau, or force of a municipal  
28 corporation;

- 1  
2  
3 agency;
- 4  
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6  
7 Resources;
- 8  
9 Office;
- 10  
11  
12  
13 Mental Hygiene;
- 14  
15 Services;
- 16  
17 and Regulation;
- 18  
19 Maryland;
- 20  
21  
22  
23  
24 College; [or]
- 25  
26 College; OR
7. the office of the sheriff of a county;
8. the police department, bureau, or force of a bicounty
9. the Maryland Transportation Authority Police;
10. the police forces of the Department of Transportation;
11. the police forces of the Department of Natural
12. the Field Enforcement Bureau of the Comptroller's
13. the Housing Authority of Baltimore City Police Force;
14. the Crofton Police Department;
15. the police force of the Department of Health and
16. the police force of the Department of General
17. the police force of the Department of Labor, Licensing,
18. the police forces of the University System of
19. the police force of Morgan State University;
20. the office of State Fire Marshal;
21. the Ocean Pines Police Department;
22. the police force of the Baltimore City Community
23. the police force of the Hagerstown Community

27  
28 **24. THE WARRANT APPREHENSION UNIT OF THE**  
29 **DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC**  
**SAFETY AND CORRECTIONAL SERVICES.**

- 1           (2)   “Law enforcement officer” does not include:
- 2                   (i)    an individual who serves at the pleasure of the Police  
3 Commissioner of Baltimore City;
- 4                   (ii)   an individual who serves at the pleasure of the appointing  
5 authority of a charter county;
- 6                   (iii)  the police chief of a municipal corporation;
- 7                   (iv)   an officer who is in probationary status on initial entry into  
8 the law enforcement agency except if an allegation of brutality in the execution of the  
9 officer’s duties is made;
- 10                  (v)    a Montgomery County fire and explosive investigator as  
11 defined in § 2–208.1 of the Criminal Procedure Article;
- 12                  (vi)   an Anne Arundel County or City of Annapolis fire and  
13 explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;
- 14                  (vii)  a Prince George’s County fire and explosive investigator as  
15 defined in § 2–208.3 of the Criminal Procedure Article;
- 16                  (viii) a Worcester County fire and explosive investigator as  
17 defined in § 2–208.4 of the Criminal Procedure Article; or
- 18                  (ix)   a City of Hagerstown fire and explosive investigator as  
19 defined in § 2–208.5 of the Criminal Procedure Article.

20 3–201.

- 21           (a)    In this subtitle the following words have the meanings indicated.
- 22           (b)    “Commission” means the Police Training Commission.
- 23           (c)    “Department” means the Department of Public Safety and Correctional  
24 Services.
- 25           (d)    (1)   “Law enforcement agency” means a governmental police force,  
26 sheriff’s office, or security force or law enforcement organization of the State, a county,  
27 or a municipal corporation that by statute, ordinance, or common law is authorized to  
28 enforce the general criminal laws of the State.
- 29           (2)    “Law enforcement agency” does not include members of the  
30 Maryland National Guard who:

1 (i) are under the control and jurisdiction of the Military  
2 Department;

3 (ii) are assigned to the military property designated as the  
4 Glenn L. Martin State Airport; and

5 (iii) are charged with exercising police powers in and for the  
6 Glenn L. Martin State Airport.

7 (e) (1) "Police officer" means an individual who:

8 (i) is authorized to enforce the general criminal laws of the  
9 State; and

10 (ii) is a member of one of the following law enforcement  
11 agencies:

- 12 1. the Department of State Police;
- 13 2. the Police Department of Baltimore City;
- 14 3. the police department, bureau, or force of a county;
- 15 4. the police department, bureau, or force of a municipal  
16 corporation;
- 17 5. the Maryland Transit Administration police force;
- 18 6. the Maryland Transportation Authority Police;
- 19 7. the police forces of the University System of  
20 Maryland;
- 21 8. the police force of Morgan State University;
- 22 9. the office of the sheriff of a county;
- 23 10. the police forces of the Department of Natural  
24 Resources;
- 25 11. the police force of the Department of General  
26 Services;
- 27 12. the police force of a State, county, or municipal  
28 corporation if the special police officers are appointed under Subtitle 3 of this title;
- 29 13. the Housing Authority of Baltimore City Police Force;



1 (3) "Police officer" does not include:

2 (i) an individual who serves as a police officer only because the  
3 individual occupies another office or position;

4 (ii) a sheriff, the Secretary of State Police, a commissioner of  
5 police, a deputy or assistant commissioner of police, a chief of police, a deputy or  
6 assistant chief of police, or another individual with an equivalent title who is  
7 appointed or employed by a government to exercise equivalent supervisory authority;  
8 or

9 (iii) a member of the Maryland National Guard who:

10 1. is under the control and jurisdiction of the Military  
11 Department;

12 2. is assigned to the military property designated as the  
13 Glenn L. Martin State Airport; and

14 3. is charged with exercising police powers in and for the  
15 Glenn L. Martin State Airport.

16 (f) "Secretary" means the Secretary of Public Safety and Correctional  
17 Services.

18 ~~Article — State Personnel and Pensions~~

19 ~~26-201.~~

20 (a) ~~Except as provided in subsection (b) of this section, this subtitle applies~~  
21 ~~only to:~~

22 (1) ~~an employee of the Department of Natural Resources~~  
23 ~~commissioned by the Secretary of Natural Resources as:~~

24 (i) ~~a Natural Resources police officer; or~~

25 (ii) ~~a law enforcement officer, other than a Natural Resources~~  
26 ~~police officer;~~

27 (2) ~~a law enforcement officer employed by the Field Enforcement~~  
28 ~~Bureau;~~

29 (3) ~~a member of the Maryland Transportation Authority Police Force~~  
30 ~~who has the powers granted to a police officer under § 4-208 of the Transportation~~  
31 ~~Article;~~

- 1           ~~(4) a deputy sheriff employed by the Baltimore City Sheriff's~~  
2 ~~Department;~~
- 3           ~~(5) a member of the University of Maryland Police Force who has the~~  
4 ~~powers granted to a police officer under § 13-601 of the Education Article;~~
- 5           ~~(6) a law enforcement officer or firefighter employed by a participating~~  
6 ~~governmental unit that on or after July 1, 1999 has elected to participate in the Law~~  
7 ~~Enforcement Officers' Pension System;~~
- 8           ~~(7) the State Fire Marshal or a Deputy State Fire Marshal;~~
- 9           ~~(8) a member of the Morgan State University Police Force who has the~~  
10 ~~powers granted to a police officer under § 14-106 of the Education Article;~~
- 11           ~~(9) a member of the BWI Airport Fire & Rescue Department;~~
- 12           ~~(10) a member of the Department of General Services Police Force who~~  
13 ~~has the powers granted to a police officer under § 4-605 of the State Finance and~~  
14 ~~Procurement Article;~~
- 15           ~~(11) an employee of the Department of Health and Mental Hygiene~~  
16 ~~commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental~~  
17 ~~Hygiene police officer;~~
- 18           ~~(12) an employee of the Motor Vehicle Administration commissioned by~~  
19 ~~the Secretary of Transportation as a Motor Vehicle Administration police officer;~~
- 20           ~~(13) an employee of the Department of Labor, Licensing, and~~  
21 ~~Regulation commissioned by the Secretary of Labor, Licensing, and Regulation as a~~  
22 ~~Labor, Licensing, and Regulation police officer;~~
- 23           ~~(14) a firefighter or law enforcement officer for the Martin State Airport~~  
24 ~~employed by the Military Department;~~
- 25           ~~(15) a police officer employed by the Division of Rehabilitation Services~~  
26 ~~in the Department of Education, certified in accordance with the Maryland Police and~~  
27 ~~Correctional Training Commissions;~~
- 28           ~~(16) a firefighter or paramedic employed by the Salisbury Fire~~  
29 ~~Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this~~  
30 ~~article;~~
- 31           ~~(17) an aviator employed by the Department of State Police to operate~~  
32 ~~an aircraft for the State Emergency Medical System;~~

1 ~~(18) a member of the Maryland Transit Administration Police Force~~  
2 ~~who has the powers granted to a police officer under § 7-207 of the Transportation~~  
3 ~~Article;~~

4 ~~(19) an individual who is elected or appointed as the Baltimore City~~  
5 ~~Sheriff and who does not elect to join the Employees' Pension System under Title 23 of~~  
6 ~~this article within 6 months of the date the individual begins serving as the Baltimore~~  
7 ~~City Sheriff;~~

8 ~~(20) a member of the Department of Public Safety and Correctional~~  
9 ~~Services Internal Investigative Unit who has the powers granted to a police officer~~  
10 ~~under § 10-701 of the Correctional Services Article; [or]~~

11 ~~(21) a police officer employed by the Baltimore City Community College~~  
12 ~~who has the power granted to a police officer under § 16-513 of the Education Article;~~  
13 ~~OR~~

14 ~~(22) AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF~~  
15 ~~THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC~~  
16 ~~SAFETY AND CORRECTIONAL SERVICES WHO HAS THE POWERS GRANTED TO A~~  
17 ~~PEACE OFFICER OR POLICE OFFICER UNDER § 6-106 OF THE CORRECTIONAL~~  
18 ~~SERVICES ARTICLE.~~

19 (b) ~~This subtitle does not apply to:~~

20 ~~(1) a Maryland Transportation Authority police officer who~~  
21 ~~transferred from the Employees' Retirement System to the Employees' Pension~~  
22 ~~System on or after December 1, 1996;~~

23 ~~(2) a deputy sheriff employed by the Baltimore City Sheriff's~~  
24 ~~Department who transferred from the Employees' Retirement System to the~~  
25 ~~Employees' Pension System on or after December 1, 1996;~~

26 ~~(3) a member of the University of Maryland Police Force who~~  
27 ~~transferred from the Employees' Retirement System to the Employees' Pension~~  
28 ~~System on or after December 1, 1997;~~

29 ~~(4) a law enforcement officer or firefighter employed by a participating~~  
30 ~~governmental unit who transferred from the Employees' Retirement System to the~~  
31 ~~Employees' Pension System on or after December 1, 1997;~~

32 ~~(5) a Maryland Port Administration police officer who transferred~~  
33 ~~from the Employees' Retirement System to the Employees' Pension System on or after~~  
34 ~~December 1, 1997;~~

1 ~~(6) a State Fire Marshal or Deputy State Fire Marshal who~~  
2 ~~transferred from the Employees' Retirement System to the Employees' Pension~~  
3 ~~System on or after December 1, 1996;~~

4 ~~(7) a member of the Morgan State University Police Force who~~  
5 ~~transferred from the Employees' Retirement System to the Employees' Pension~~  
6 ~~System on or after December 1, 1997;~~

7 ~~(8) a member of the BWI Airport Fire & Rescue Department who~~  
8 ~~transferred from the Employees' Retirement System to the Employees' Pension~~  
9 ~~System on or after April 1, 1998;~~

10 ~~(9) a member of the Department of General Services, Department of~~  
11 ~~Health and Mental Hygiene, Motor Vehicle Administration, or Department of Labor,~~  
12 ~~Licensing, and Regulation Police Force who transferred from the Employees'~~  
13 ~~Retirement System to the Employees' Pension System on or after April 1, 1998;~~

14 ~~(10) a firefighter or law enforcement officer for the Martin State Airport~~  
15 ~~employed by the Military Department who transferred from the Employees'~~  
16 ~~Retirement System to the Employees' Pension System on or after April 1, 1998;~~

17 ~~(11) a police officer employed by the Division of Rehabilitation Services~~  
18 ~~in the Department of Education who:~~

19 ~~(i) is certified in accordance with the Maryland Police and~~  
20 ~~Correctional Training Commissions; and~~

21 ~~(ii) transferred from the Employees' Retirement System to the~~  
22 ~~Employees' Pension System on or after April 1, 1998;~~

23 ~~(12) a firefighter or paramedic employed by the Salisbury Fire~~  
24 ~~Department who transferred from the Employees' Retirement System to the~~  
25 ~~Employees' Pension System on or after April 1, 1998;~~

26 ~~(13) an aviator employed by the Department of State Police to operate~~  
27 ~~an aircraft for the State Emergency Medical System who transferred from the~~  
28 ~~Employees' Retirement System to the Employees' Pension System on or after April 1,~~  
29 ~~1998; or~~

30 ~~(14) a police officer employed by the Baltimore City Community College~~  
31 ~~who transferred from the Employees' Retirement System to the Employees' Pension~~  
32 ~~System on or after December 1, 1996.~~

33 ~~26-202.~~

1       ~~(a) Except as provided in subsection (b) of this section, an individual~~  
2 ~~described in § 26-201 of this subtitle is a member of the Law Enforcement Officers'~~  
3 ~~Pension System as a condition of employment.~~

4       ~~(b) (1) Subject to paragraph (2) of this subsection, membership in the Law~~  
5 ~~Enforcement Officers' Pension System is optional for an individual described in §~~  
6 ~~26-201 of this subtitle:~~

7               ~~(i) who was employed by the Department of Natural Resources~~  
8 ~~on July 1, 1990 and who elects membership on or before December 31, 2002;~~

9               ~~(ii) who was employed by the Field Enforcement Division on~~  
10 ~~June 30, 1995 and who elects membership on or before December 31, 2002;~~

11               ~~(iii) who was employed by the Maryland Transportation~~  
12 ~~Authority on June 30, 1997 and who elects membership on or before December 31,~~  
13 ~~2002;~~

14               ~~(iv) who was employed by the Baltimore City Sheriff's~~  
15 ~~Department on June 30, 1997 and who elects membership on or before December 31,~~  
16 ~~2002;~~

17               ~~(v) who was employed by the University of Maryland Police~~  
18 ~~Force on June 30, 1999 and who elects membership on or before December 31, 2002;~~

19               ~~(vi) who is employed by a participating governmental unit on the~~  
20 ~~effective date of participation on or after July 1, 1999 for that participating~~  
21 ~~governmental unit and who elects membership within 6 months of the effective date of~~  
22 ~~participation;~~

23               ~~(vii) who was employed by the Maryland Port Administration~~  
24 ~~Police Force and was subsequently transferred to and employed by the Maryland~~  
25 ~~Transportation Authority Police Force on July 1, 1998 and who elects membership on~~  
26 ~~or before December 31, 2002;~~

27               ~~(viii) who was employed by the office of the State Fire Marshal on~~  
28 ~~June 30, 1998 and who elects membership on or before December 31, 2002;~~

29               ~~(ix) who was employed by the Morgan State University Police~~  
30 ~~Force on June 30, 1999 and who elects membership on or before December 31, 2002;~~

31               ~~(x) who was employed by the BWI Airport Fire & Rescue~~  
32 ~~Department on June 30, 2000, and who elects membership on or before December 31,~~  
33 ~~2002;~~

34               ~~(xi) who was employed by the Department of General Services,~~  
35 ~~Department of Health and Mental Hygiene, Motor Vehicle Administration, and~~

1 ~~Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and~~  
2 ~~who elects membership on or before December 31, 2002;~~

3 ~~(xii) who was employed by the Military Department as a~~  
4 ~~firefighter at Martin State Airport on June 30, 2001, and who elects membership on or~~  
5 ~~before December 31, 2002;~~

6 ~~(xiii) who was employed on June 30, 2002, by the Division of~~  
7 ~~Rehabilitation Services in the Department of Education as a police officer certified in~~  
8 ~~accordance with the Maryland Police and Correctional Training Commissions, and~~  
9 ~~who elects membership on or before December 31, 2002;~~

10 ~~(xiv) who was employed on June 30, 2004, by the Salisbury Fire~~  
11 ~~Department as a firefighter or paramedic and who elects membership on or before~~  
12 ~~December 31, 2004, if eligible under Title 31, Subtitle 2A of this article;~~

13 ~~(xv) who was employed on June 30, 2005, by the Department of~~  
14 ~~State Police as an aviator operating an aircraft for the State Emergency Medical~~  
15 ~~System, and who elects membership on or before December 31, 2005;~~

16 ~~(xvi) who was employed by the Military Department as a law~~  
17 ~~enforcement officer at Martin State Airport on June 30, 2007, and who elects~~  
18 ~~membership on or before December 31, 2007;~~

19 ~~(xvii) who was a member of the Department of Public Safety and~~  
20 ~~Correctional Services Internal Investigative Unit who has powers granted to a police~~  
21 ~~officer under § 10-701 of the Correctional Services Article on June 30, 2007, and who~~  
22 ~~elects membership on or before December 31, 2007; [or]~~

23 ~~(xviii) who was employed on July 1, 2008, as a police officer by the~~  
24 ~~Baltimore City Community College Police Force and who elects membership on or~~  
25 ~~before December 31, 2008; OR~~

26 ~~(XIX) WHO WAS AN EMPLOYEE OF THE WARRANT~~  
27 ~~APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE~~  
28 ~~DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WITH~~  
29 ~~POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6-106 OF~~  
30 ~~THE CORRECTIONAL SERVICES ARTICLE ON JUNE 30, 2011, AND WHO ELECTS~~  
31 ~~MEMBERSHIP ON OR BEFORE DECEMBER 31, 2011.~~

32 ~~(2) To elect to be a member of the Law Enforcement Officers' Pension~~  
33 ~~System, an individual shall file a written application with the State Retirement~~  
34 ~~Agency.~~

~~(3) If an individual does not elect membership during the applicable period specified under paragraph (1) of this subsection, the individual may not become a member of the Law Enforcement Officers' Pension System.~~

~~26-203.1.~~

~~(a) For members who transfer from the Employees' Pension System or the Employees' Retirement System, the Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions that were made to the Employees' Retirement System and the Employees' Pension System on behalf of those members who transferred, plus the interest earned on those contributions through the date of transfer.~~

~~(b) For those full-time employees of the BWI Airport Fire & Rescue Department who were employed on or after October 1, 1993 and who elect membership in the Law Enforcement Officers' Pension System on or before December 31, 2000, the Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions made to the Employees' Retirement System and the Employees' Pension System on behalf of those transferring members, plus the interest earned on those contributions through the date of transfer.~~

~~(c) (1) For members who transfer from a local pension system, the local pension system shall transfer to the Board of Trustees the employer contributions that were made to the local pension system on behalf of those members who transferred, plus the interest earned on those contributions through the date of transfer.~~

~~(2) The Board of Trustees shall deposit any funds transferred under paragraph (1) of this subsection in the accumulation fund of the Law Enforcement Officers' Pension System.~~

~~(d) (1) On or before January 1, 2006, for members who transfer from the Maryland Transit Administration Pension System established under § 7-603 of the Transportation Article, the Maryland Transit Administration shall transfer to the Board of Trustees the employer contributions made to the pension system established under § 7-603 of the Transportation Article on behalf of those members who transfer, plus the interest earned on those contributions through July 1, 2005.~~

~~(2) The Board of Trustees shall deposit any funds transferred under paragraph (1) of this subsection in the accumulation fund of the Law Enforcement Officers' Pension System.~~

~~(e) (1) This subsection applies to members of the Department of Public Safety and Correctional Services Internal Investigative Unit who:~~

~~(i) have the powers granted to a police officer under § 10-701 of the Correctional Services Article; and~~

1                   (ii) ~~transfer to the Law Enforcement Officers' Pension System~~  
2 ~~on or before December 31, 2007.~~

3                   (2) ~~The Board of Trustees shall transfer to the accumulation fund of~~  
4 ~~the Law Enforcement Officers' Pension System the employer contributions made to~~  
5 ~~the Correctional Officers' Retirement System or the Employees' Pension System on~~  
6 ~~behalf of those members under paragraph (1) of this subsection, plus the interest~~  
7 ~~earned on those contributions through the date of transfer.~~

8                   (F) (1) ~~THIS SUBSECTION APPLIES TO MEMBERS OF THE WARRANT~~  
9 ~~APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE~~  
10 ~~DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:~~

11                   (i) ~~HAVE THE POWERS GRANTED TO A PEACE OFFICER OR~~  
12 ~~POLICE OFFICER UNDER § 6 106 OF THE CORRECTIONAL SERVICES ARTICLE;~~  
13 ~~AND~~

14                   (ii) ~~TRANSFER TO THE LAW ENFORCEMENT OFFICERS'~~  
15 ~~PENSION SYSTEM ON OR BEFORE DECEMBER 31, 2011.~~

16                   (2) ~~THE BOARD OF TRUSTEES SHALL TRANSFER TO THE~~  
17 ~~ACCUMULATION FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION~~  
18 ~~SYSTEM THE EMPLOYER CONTRIBUTIONS MADE TO THE CORRECTIONAL~~  
19 ~~OFFICERS' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM ON~~  
20 ~~BEHALF OF THOSE MEMBERS UNDER PARAGRAPH (1) OF THIS SUBSECTION,~~  
21 ~~PLUS THE INTEREST EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE~~  
22 ~~OF TRANSFER.~~

23 ~~26-203.4.~~

24                   (A) ~~THIS SECTION APPLIES TO EMPLOYEES OF THE WARRANT~~  
25 ~~APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE~~  
26 ~~DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:~~

27                   (1) ~~HAVE THE POWERS GRANTED TO A PEACE OFFICER OR POLICE~~  
28 ~~OFFICER UNDER § 6 106 OF THE CORRECTIONAL SERVICES ARTICLE; AND~~

29                   (2) ~~TRANSFER TO THE LAW ENFORCEMENT OFFICERS' PENSION~~  
30 ~~SYSTEM ON OR BEFORE DECEMBER 31, 2011.~~

31                   (B) ~~A MEMBER SHALL DEPOSIT IN THE ANNUITY SAVINGS FUND OF THE~~  
32 ~~LAW ENFORCEMENT OFFICERS' PENSION SYSTEM CONTRIBUTIONS AT THE~~  
33 ~~RATE OF 4% OF THE MEMBER'S EARNABLE COMPENSATION AFTER JULY 1, 2000,~~

1 ~~INCLUDING REGULAR INTEREST ON THE CONTRIBUTIONS AT THE RATE OF 5%~~  
2 ~~PER YEAR COMPOUNDED ANNUALLY.~~

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 June 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.